IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3349 OF 2004

Shankar Ramnareshsingh Thakur .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.E.B.Dixit for the applicant.
Mr.S.R.Shinde APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 24TH AUGUST, 2004

P.C.:

. Heard Mr.Dixit, learned counsel for the applicant and Mr.Shinde, learned A.P.P. for the respondent.

2. Mr.Dixit, learned counsel for the applicant at the outset prays for withdrawal of this application with liberty to the applicant to approach the Sessions Court seeking bail afresh in view of the judgment of this court dated 15.7.2004 in Laxman Irappa Hatti and Anr. Vs. The State of Maharashtra rendered in Criminal Application No.2816 of 2004. In that case this court has taken a view that filing of the chargesheet is substantive change and, therefore, the trial court

is obliged to consider merits of the case afresh by allowing the applicant or his advocate to argue an application for bail on the basis of documents supplied with the chargesheet. In this case, according to Mr.Dixit, learned counsel for the applicant, the trial court did not consider the merits holding that filing of the chargesheet was not substantive change of circumstance. In view of this the application is allowed to be withdrawn with liberty as prayed for. If such application is filed same may be considered on merits in accordance with law.

(D.B.Bhosale, J.)